

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CURTIS MAXWELL,

Defendant.

No. 05-CR-100-LRR

**ORDER REGARDING
MAGISTRATE JUDGE'S REPORT
AND RECOMMENDATION
CONCERNING DEFENDANT'S
MOTION TO WITHDRAW
GUILTY PLEA**

I. INTRODUCTION

The matter before the court is Defendant Curtis Maxwell's Motion to Withdraw Guilty Plea ("Motion") (docket no. 43), filed on May 17, 2006. The matter was referred to Chief Magistrate Judge John A. Jarvey for the issuance of a Report and Recommendation. On July 11, 2006, Magistrate Judge Jarvey issued a Report and Recommendation in which he recommended denying Defendant's Motion. Objections to the Report and Recommendation were due on July 25, 2006. No objections have been filed. The court, therefore, undertakes the necessary review of Magistrate Judge Jarvey's recommendation to deny Defendant's Motion in this case.

II. ANALYSIS

Pursuant to statute, this court's standard of review of a magistrate judge's Report and Recommendation is as follows:

A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made. A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate [judge].

28 U.S.C. § 636(b)(1). Similarly, Federal Rule of Civil Procedure 72(b) provides for review of a magistrate judge's Report and Recommendation on dispositive motions and prisoner petitions, where objections are made, as follows:

The district judge to whom the case is assigned shall make a de novo determination upon the record, or after additional evidence, of any portion of the magistrate judge's disposition to which specific written objection has been made in accordance with this rule. The district judge may accept, reject, or modify the recommended decision, receive further evidence, or recommit the matter to the magistrate judge with instructions.

Fed. R. Civ. P. 72(b).


In this case, no objections have been filed, and it appears to the court upon review of Magistrate Judge Jarvey's findings and conclusions that there is no ground to reject or modify them.

For the foregoing reasons, the court hereby **ORDERS**:

- (1) The court **ACCEPTS** Magistrate Judge Jarvey's Report and Recommendation of July 11, 2006 (docket no. 54); and
- (2) The court **DENIES** Defendant's Motion to Withdraw Guilty Plea (docket no. 43).

IT IS SO ORDERED.

DATED this 27th day of July, 2006.


LINDA R. READE
JUDGE, U. S. DISTRICT COURT
NORTHERN DISTRICT OF IOWA